

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 07 Civ. 310¹ (LBS)

***EX PARTE* MOTION FOR ENTRY OF PROTECTIVE ORDER
PERMITTING ABBOTT LABORATORIES TO FILE DOCUMENTS UNDER SEAL**

Defendant, Abbott Laboratories (Abbott), respectfully moves the Court for entry of a protective order permitting Abbott to file under seal its Opposition to Teva Pharmaceuticals, U.S.A., Inc.'s (Teva) Emergency Motion for a Temporary Restraining Order and supporting papers. In support of its motion, Abbott states as follows:

1. On April 18, 2007, Teva filed a First Amended Complaint in this matter, which the Court permitted to be filed under seal.

2. On April 20, 2007, Teva filed an Emergency Motion for a Temporary Restraining order and supporting papers, which motion and supporting papers the Court permitted to be filed under seal.

3. Abbott now seeks to file its Opposition to Teva's Emergency Motion for a Temporary Restraining Order and supporting papers under seal.

4. Abbott seeks entry of a Protective Order permitting it to file under seal (1) its Opposition to Teva Pharmaceuticals, U.S.A., Inc.'s Emergency Motion for a Temporary Restraining Order, and (2) the accompanying Declaration of Jeffrey I. Weinberger.

5. The parties have previously agreed that information contained in the documents that Abbott seeks to file under seal is confidential. The documents disclose information relating to a confidential settlement agreement between the parties, which contains and comprises trade secrets and other commercial information within the meaning of Rule 26(c)(7) of the Federal Rules of Civil Procedure. In addition, the settlement agreement contains a provision requiring that the terms of the agreement remain confidential.

WHEREFORE, for these reasons, Abbott respectfully requests that the Court grant its Motion for Entry of a Protective Order Permitting Abbott to file Documents Under Seal, and Order that the documents referred to above be placed under seal.

Dated: April 23, 2007

Respectfully submitted,



Of Counsel for Abbott Laboratories

Jeffrey I. Weinberger
Ted G. Dane
Andrea Weiss Jeffries

Andrew D. Schau (AS 5815)
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036-6710
(212) 336-2000

MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071-1560
(213) 683-9100

Attorneys for Defendant
Abbott Laboratories

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff

v.

ABBOTT LABORATORIES,

Defendant.

Case No. 07 Civ. 3103 (LBS)

[PROPOSED] ORDER

Pursuant to Federal Rule of Civil Procedure 26(c)(7), the Court finds good cause exists for the entry of a protective order to prevent disclosure of trade secret or other confidential research, development, or commercial information. Accordingly, IT IS HEREBY ORDERED THAT:

(1) Abbott's Motion for Entry of a Protective Order permitting Abbott to file under seal its Opposition to Teva Pharmaceuticals, U.S.A., Inc.'s (Teva) Emergency Motion for a Temporary Restraining Order is GRANTED, and

(2) Abbott is permitted to file under seal: (1) its Opposition to Teva Pharmaceuticals, U.S.A., Inc.'s Emergency Motion for a Temporary Restraining Order, and

(2) the accompanying Declaration of Jeffrey I. Weinberger.

Dated this ____ day of _____, 2007

United States District Judge

AFFIDAVIT OF SERVICE

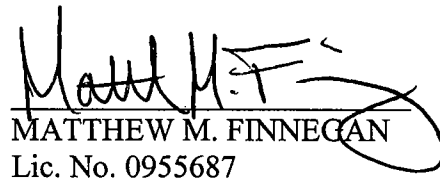
STATE OF NEW YORK)
 :ss.:
COUNTY OF NEW YORK)

MATTHEW M. FINNEGAN, being duly sworn, deposes and says:

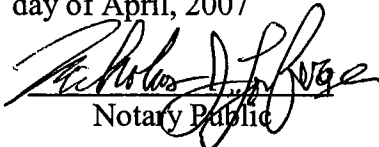
1. I am over 18 years of age, not a party to this action, and am employed by the law firm of Patterson, Belknap, Webb & Tyler LLP, located at 1133 Avenue of the Americas, New York, New York 10036.

2. On April 23, 2007 I caused to be served by hand the foregoing *Ex Parte* Motion for Entry of Protective Order Permitting Abbott Laboratories to File Documents Under Seal upon the following attorneys for the parties herein, directed to them at the address below:

James Galbraith
Kenyon & Kenyon, LLP
One Broadway
New York, NY 10004


MATTHEW M. FINNEGAN
Lic. No. 0955687

Sworn to before me this 23rd
day of April, 2007


Notary Public

NICHOLAS J. LAFORGE
Notary Public, State of New York
No. 01LA6150533
Qualified in Kings County
Certificate Filed in New York County
Commission Expires July 31, 2010